

ESTTA Tracking number: **ESTTA485849**

Filing date: **07/26/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Trident Seafoods Corporation
Granted to Date of previous extension	10/10/2012
Address	5303 Shilshole Ave NW Seattle, WA 98107 UNITED STATES
Attorney information	Cindy L. Caditz Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101-3045 UNITED STATES cindycaditz@dwt.com, ronrutherford@dwt.com, mmoersfelder@dwt.com Phone:206-757-8097

Applicant Information

Application No	85512425	Publication date	06/12/2012
Opposition Filing Date	07/26/2012	Opposition Period Ends	10/10/2012
Applicant	Aquanor Marketing, Inc. Widett Circle, 2 Foodmart Road Boston, MA 02118 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. All goods and services in the class are opposed, namely: seafood
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1677772	Application Date	01/17/1991
Registration Date	03/03/1992	Foreign Priority Date	NONE
Word Mark	ARCTIC ICE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 029. First use: First Use: 1982/06/00 First Use In Commerce: 1982/06/00 seafood

U.S. Registration No.	1680504	Application Date	01/04/1991
Registration Date	03/24/1992	Foreign Priority Date	NONE

Word Mark	ARCTIC ICE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 029. First use: First Use: 1982/06/00 First Use In Commerce: 1982/06/00 seafood
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Attachments	74129901#TMSN.gif (1 page)(bytes) ARCTIC ICELAND Notice of Opposition.pdf (4 pages)(22747 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MEM/
Name	Matthew E. Moersfelder
Date	07/26/2012

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
2 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

3 TRIDENT SEAFOODS CORPORATION, a
4 Washington corporation,

5 Opposer,

6 v.

7 AQUANOR MARKETING, INC., a
8 Massachusetts corporation,

9 Applicant.

Opposition No.

Application Serial No. 85/512,425

NOTICE OF OPPOSITION

10 TO THE COMMISSIONER FOR TRADEMARKS
11 TRADEMARK TRIAL AND APPEAL BOARD:

12 Trident Seafoods Corporation, a corporation of the State of Washington, having a place
13 of business at 5303 Shilshole Avenue NW, Seattle, WA 98107 (hereinafter "Opposer"), believes
14 that it will be damaged by registration of the trademark shown in Application Serial
15 No. 85/512,425, in International Class 29, and hereby opposes the same. As grounds for the
16 opposition, Opposer alleges as follows.

17 1. On information and belief, Aquanor Marketing, Inc., is a Massachusetts
18 corporation with an address of Widett Circle, 2 Foodmart Road, Boston, MA 02118 (hereinafter
19 "Applicant").

20 2. Continuously since long prior to any date upon which Applicant can rely,
21 Opposer has used the trademark ARCTIC ICE in association with the sale of seafood.

22 3. Opposer is the owner of U.S. Trademark Registration No. 1,677,772 for the mark
23 ARCTIC ICE for seafood in International Class 29. Said registration issued March 3, 1992 in
24 International Class 29, setting forth a date of first use of June 1982. Registration No. 1,677,772
25 is currently valid, subsisting, and incontestable.
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1 4. Opposer is the owner of U.S. Trademark Registration No. 1,680,504 for the mark
2 ARCTIC ICE and Design for seafood in International Class 29. Said registration issued
3 March 24, 1992 in International Class 29, setting forth a date of first use of June 1982.

4 Registration No. 1,680,504 is currently valid, subsisting, and incontestable.

5 5. The mark ARCTIC ICELAND and Design, shown in Application Serial
6 No. 85/512,425, so resembles Opposer's mark ARCTIC ICE, when used in association with the
7 goods claimed by Application Serial No. 85/512,425, as to be likely to cause confusion, or to
8 cause mistake, or to deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C.
9 § 1052(d).
10

11 6. Opposer will be damaged by the registration sought by Applicant insofar as the
12 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership
13 of the mark ARCTIC ICELAND and Design for the goods claimed by Application Serial
14 No. 85/512,425, and Applicant's exclusive right to use the mark ARCTIC ICELAND and Design
15 in association with the goods claimed by Application Serial No. 85/512,425 when, in fact,
16 Applicant is not entitled to the full scope of such rights by virtue of Opposer's prior and
17 continuous use of the mark ARCTIC ICE for seafood, which are sold in the same channels of
18 trade in which the goods claimed by Application Serial No. 85/512,425 may be sold.
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20 7. Based upon the foregoing, registration of the mark shown by Application Serial
21 No. 85/512,425, filed January 10, 2012, is likely to cause injury and damage to Opposer.
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23 WHEREFORE, Opposer respectfully requests that registration of the mark ARCTIC
24 ICELAND and Design as shown by Application Serial No. 85/512,425, be denied under
25 Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and that this Opposition be sustained.
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1 Please charge the filing fee of US \$300.00 to Deposit Account No. 04-0258 of Opposer's
2 counsel noted below.

3 Please direct all correspondence to Cindy L. Caditz and Matthew E. Moersfelder of Davis
4 Wright Tremaine LLP at the following address:

5 Cindy L. Caditz, Esq.
6 Matthew E. Moersfelder, Esq.
7 Davis Wright Tremaine LLP
8 1201 Third Avenue, Suite 2200
9 Seattle, WA 98101-3045

10 Please direct all telephone calls to Cindy L. Caditz at 206-757-8097 or Matthew E.
11 Moersfelder at 206-757-8014.

12 DATED this 26th day of July, 2012.

13 Davis Wright Tremaine LLP
14 Attorneys for K-2 Corporation.

15 By s/Matthew E. Moersfelder
16 Cindy L. Caditz
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CERTIFICATE OF FILING

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/512,425 for the mark ARCTIC ICELAND and Design is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: July 26, 2012 s/Matthew E. Moersfelder

CERTIFICATE OF SERVICE

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/512,425 for the mark ARCTIC ICELAND and Design is being duly served upon the Applicant and on Applicant's counsel by mailing copies thereof via the U.S. Postal Service in sealed envelopes as first-class mail with postage thereupon fully prepaid and addressed to each of the following addresses:

Aquanor Marketing, Inc.
Widett Circle, 2 Foodmart Road
Boston, MA 02118

And to:

Douglas R. Wolf
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue, Floor 23
Boston, MA 02210-2206

Date: July 26, 2012 s/Matthew E. Moersfelder